

SIXTIETH DAY

(CONTINUED)

MONDAY, APRIL 28, 1997

PROCEEDINGS

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Harris.

SENATORS ANNOUNCED PRESENT

Senators Luna, Nixon, and Whitmire, who had previously been recorded as "Absent-excused," were announced "Present."

PERMISSION TO MEET GRANTED

On motion of Senator Truan and by unanimous consent, Senate committees were granted permission to meet during the Local and Uncontested Calendar Session.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris Friday, April 25, 1997.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 706 (Armbrister) Relating to granting the Bastrop County Water Control and Improvement District No. 2 the powers and duties of a road district. (31-0) (31-0)

HB 1296 (Haywood) Relating to the notice of a sale or an exchange of land by a political subdivision. (31-0) (31-0)

HB 1492 (Ellis) Relating to the powers of a judge. (31-0) (31-0)

HB 1520 (Moncrief on behalf of Harris) Relating to the protection and use of certain products, information, and technology of the Texas Department of Health. (31-0) (31-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1520** as follows:

1. In SECTION 1, Sec. 12.020(a), (page 2, line 1), strike "nonexclusive".
2. In SECTION 1, Sec. 12.020(a), (page 2, line 4), strike "nonexclusive".
3. In SECTION 1, Sec. 12.020(c), (page 2, line 20), after "fund" add "except as otherwise provided in Section 2054.115, Government Code".
4. In SECTION 1, Sec. 12.020(d), (page 2, line 22), strike "i".
5. In SECTION 1, Sec. 12.020(d), (page 2, line 23), strike "(1)".
6. In SECTION 1, Sec. 12.020(d), (page 2, line 27), strike "; or" and substitute "i".
7. In SECTION 1, Sec. 12.020(d), (page 3, lines 1 through 7), strike Subdivision (2).
8. In SECTION 1, Sec. 12.020(e)(4), (page 3, line 19), strike "i" and substitute "; and".
9. In SECTION 1, Sec. 12.020(e)(5), (page 3, line 21), strike "; and" and substitute "i".
10. In SECTION 1, Sec. 12.020(e), (page 3, lines 22 through 24, strike Subdivision (6).

The committee amendment was read and was adopted by a viva voce vote.

SB 23 (Brown) Relating to the boundaries, confirmation election, and taxing authority of the Clear Creek Watershed Regional Flood Control District. (31-0) (31-0)

SB 167 (Moncrief on behalf of Harris) Relating to the offense of failing to pay the wages of an employee. (31-0) (31-0)

SB 322 (Armbrister) Relating to the filing of a petition stating an essential need for operating a motor vehicle. (31-0) (31-0)

SB 478 (Shapiro) Relating to the lease of space for a state agency from another governmental entity. (31-0) (31-0)

CSSB 703 (Nelson) Relating to the consolidation of the fiscal and program audit functions of the Texas Department of Criminal Justice. (31-0) (31-0)

CSSB 773 (Lindsay) Relating to restricting the use of designated lanes of certain highways. (31-0) (31-0)

SB 900 (Gallegos) Relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees. (31-0) (31-0)

Senator Gallegos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 900** as follows:

- (1) In SECTION 3 of the bill, amended Section 12(d)(1), Article 6243g, Vernon's Texas Civil Statutes, strike "compounded" (introduced version, page 3, line 8).

(2) In SECTION 3 of the bill, amended Section 12(d)(1), Article 6243g, Vernon's Texas Civil Statutes, between "Section 11(g)" and "of this Act", insert "or Section 31" (introduced version, page 3, line 8).

(3) Strike SECTION 9 of the bill (introduced version, page 16, line 20, through page 17, line 22) and substitute the following:

SECTION 9. Sections 11(b) and (g), Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Effective July 1, 1998, the amount of the monthly pension for each Group A member shall equal the member's average monthly salary multiplied by two and one-quarter percent (2-1/4%) for each of the member's first twenty (20) years of credited service and two and three-quarters percent (2-3/4%) for each additional year of credited service of the member. From September 1, 1997, through June 30, 1998, the [The] amount of the monthly pension for each such Group A member shall equal the member's average monthly salary multiplied by two percent (2%) for each of the member's first twenty (20) years of credited service and two and one-half percent (2-1/2%) for each additional year of credited service of such member. For purposes of this Subsection, such average salary shall be computed by adding together the seventy-eight (78) highest biweekly salaries paid to a member during his period of credited service and dividing the sum by thirty-six (36). Provided, however, that no Group A member's pension shall be more than eighty percent (80%) of such average salary; and no Group A member's pension shall be less than Eight Dollars (\$8) a month for each year of credited service, or One Hundred Dollars (\$100) a month total pension, whichever is the greater amount.

(g) Pensions [Effective January 1, 1992, pensions] for all Group A members or their survivors shall be adjusted annually upward by three and one-half percent (3-1/2%), not compounded [or downward in accordance with the percentage change in the Consumer Price Index for All Urban Consumers (CPI) for the preceding year as determined by the United States Department of Labor. The adjusted pension may never be less than the basic pension that the retired member or survivor would otherwise be entitled to receive without regard to changes in the CPI. The adjusted pension may never be greater than the basic pension plus increases of not to exceed four percent (4%) annually, not compounded, notwithstanding a greater increase in the CPI].

(4) Strike SECTION 12 of the bill (introduced version, page 20, line 20, through page 21, line 7) and substitute the following:

SECTION 12. Section 31, Chapter 358, Acts of the 48th Legislature, 1943 (Article 6243g, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 31. POSTRETIREMENT ADJUSTMENTS. Pensions for all Group B members or their survivors [All pensions] shall be adjusted annually upward by three and one-half percent (3-1/2%), not compounded [or downward in accordance with the percentage change in the Consumer Price Index for All Urban Consumers (CPI) for the preceding year as

~~determined by the United States Department of Labor. The adjusted pension shall never be less than the basic pension which the retired member or survivor would otherwise be entitled to receive without regard to changes in the CPI. The adjusted pension shall never be greater than the basic pension plus increases of not to exceed four percent (4%) annually, not compounded, notwithstanding a greater increase in the CPI].~~

The committee amendment was read and was adopted by a viva voce vote.

SB 951 (Ellis) Relating to the coordination of tenant services programs. (31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 951** as follows:

On page 1, line 9, strike the word "public".

The committee amendment was read and was adopted by a viva voce vote.

CSSB 1163 (Zaffirini) Relating to information and training about Medicaid managed care. (31-0) (31-0)

CSSB 1164 (Zaffirini) Relating to Medicaid managed care contract compliance. (31-0) (31-0)

CSSB 1165 (Zaffirini) Relating to health care services under the state Medicaid program for children with special health care needs. (31-0) (31-0)

SB 1201 (Lucio) Relating to authorizing the board of regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties to be used for campus expansion and university purposes in The University of Texas System. (31-0) (31-0)

CSSB 1227 (Shapiro) Relating to the establishment of a comprehensive plan by a municipality. (31-0) (31-0)

CSSB 1245 (Madla) Relating to laws regulating the distribution and dispensation of controlled substances and to the enforcement of those laws. (31-0) (31-0)

SB 1297 (Cain) Relating to disciplinary procedures and peer review for certain medical practitioners; providing administrative penalties. (31-0) (31-0)

CSSB 1311 (Moncrief) Relating to providing scholarships to students at institutions of higher education for certain out-of-state internship programs. (31-0) (31-0)

SB 1366 (Ellis) Relating to the establishment of a recreational facility fee at Texas Southern University. (31-0) (31-0)

SB 1367 (Ellis) Relating to the establishment of a medical services fee at Texas Southern University. (31-0) (31-0)

CSSB 1380 (Ellis) Relating to the creation of an electronic state business daily to give notice before a state agency makes a procurement with a value that exceeds \$25,000. (31-0) (31-0)

SB 1390 (Lindsay) Relating to siting of landfills. (31-0) (31-0)

SB 1391 (Lindsay) Relating to establishing and maintaining a county road. (31-0) (31-0)

SB 1394 (Lindsay) Relating to the authority of a municipality to require a building permit for construction and renovation work on county-owned buildings and facilities by certain counties. (31-0) (31-0)

SB 1412 (Ellis) Relating to conduct requiring registration under the lobbying statute. (31-0) (31-0)

SB 1437 (Wentworth) Relating to the exemption from and limitations on ad valorem taxes on the residence homestead of an elderly individual and the individual's surviving spouse and to the termination of that exemption if that homestead ceases to be the homestead of that elderly individual or surviving spouse. (31-0) (31-0)

CSSB 1439 (Wentworth) Relating to the state's motor vehicle emissions inspection and maintenance program. (31-0) (31-0)

SB 1566 (Cain) Relating to licensing regulations for physician assistants and acupuncturists; providing an administrative penalty. (31-0) (31-0)

CSSB 1607 (Moncrief) Relating to the retention of certain medical records. (31-0) (31-0)

SB 1609 (Whitmire) Relating to the administration of the Uniform Act for out-of-State probationer and parolee supervision. (31-0) (31-0)

SB 1610 (Whitmire) Relating to the county jail work release program and to participation by certain inmates of the Texas Department of Criminal Justice, with the approval of a sheriff, in that program. (31-0) (31-0)

SB 1612 (Whitmire) Relating to the disposition of proceeds from the sale of state-owned real property under the management of the Texas Department of Criminal Justice. (31-0) (31-0)

CSSB 1623 (Duncan) Relating to the power of the Lubbock County Hospital District to provide facilities and hospital-related equipment, supplies, and services to Lubbock County for the use of the medical examiner's office. (31-0) (31-0)

SB 1699 (Cain) Relating to the Texas State Board of Medical Examiners and the licensure of physicians; providing penalties. (31-0) (31-0)

SB 1715 (Patterson) Relating to required contents in a notice for the adoption of proposed rules by a state agency. (31-0) (31-0)

SB 1787 (Cain) Relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit in certain areas. (31-0) (31-0)

CSSB 1811 (Nelson) Relating to energy conservation measures by institutions of higher education, including the financing of such measures. (31-0) (31-0)

SB 1831 (Cain) Relating to sanitary facilities required on the premises of certain applicants for an alcoholic beverage license. (31-0) (31-0)

SB 1837 (Ratliff) Relating to certain business documents filed and recorded with the secretary of state. (31-0) (31-0)

CSSB 1851 (Armbrister) Relating to the violation of a rule of a national collegiate athletic association. (31-0) (31-0)

CSSB 1852 (Armbrister) Relating to the creation and operation of the Texas Affordable Housing Task Force. (31-0) (31-0)

CSSB 1856 (Wentworth) Relating to the inspection and maintenance of certain motor vehicles for air pollution control; providing criminal penalties. (31-0) (31-0)

SB 1911 (Cain) Relating to inspection of, and public awareness concerning, interstate natural gas pipelines within the State of Texas. (31-0) (31-0)

SB 1912 (Cain) Relating to inspection of, and public awareness concerning, interstate hazardous liquids pipelines within the State of Texas. (31-0) (31-0)

SB 1929 (Armbrister) Relating to the disposal of certain solid waste and permits for disposal of that waste. (31-0) (31-0)

CSSCR 66 (Brown) Supporting the implementation of the Texas Wetlands Conservation Plan. (viva voce vote)

BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR

Senator Haywood and Senator Harris requested in writing that **SB 1235** be removed from the Local and Uncontested Calendar.

Senator Barrientos and Senator Harris requested in writing that **SB 1791** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Harris requested in writing that **SB 1907** be removed from the Local and Uncontested Calendar.

BILL LEFT PENDING ON LOCAL AND UNCONTESTED CALENDAR

Senator Harris and Senator Lindsay requested in writing that **SB 1257** be left pending on the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:57 a.m. adjourned until 10:00 a.m. today.

